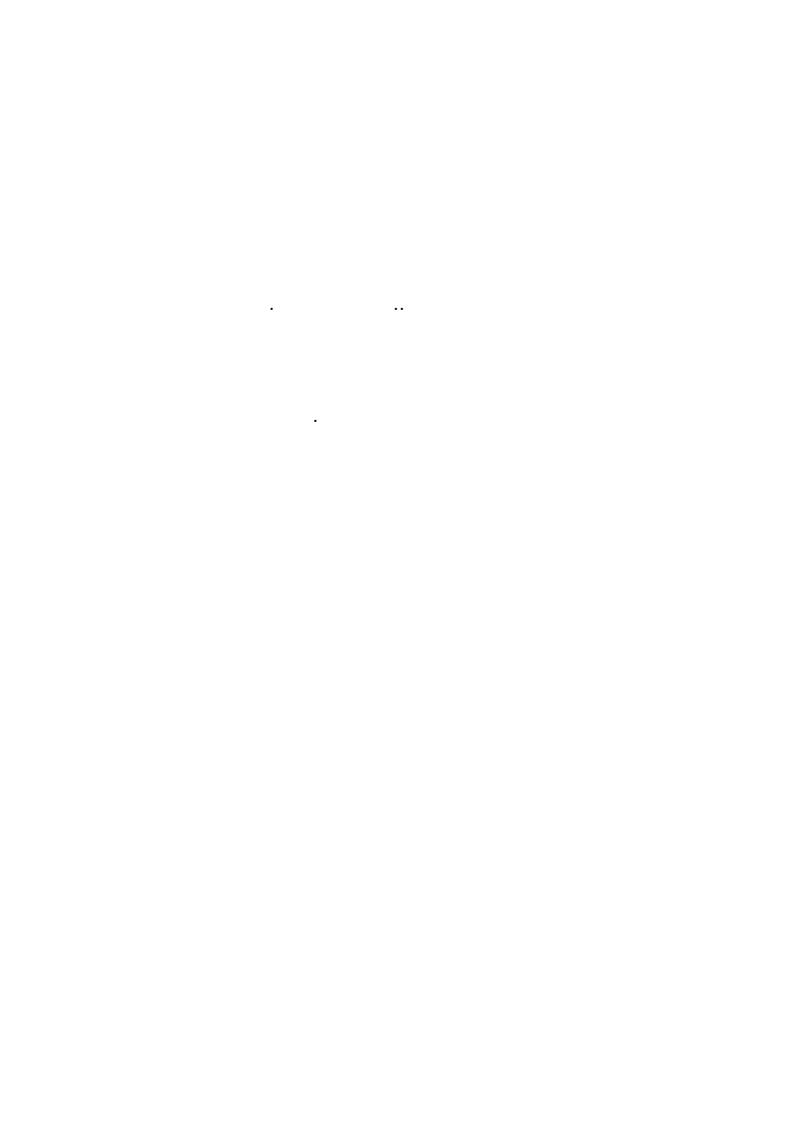
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: ﴿ يَا أَيُّهَا الَّذِينَ ءَامَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا

أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِنْكُمْ ﴾<sup>(2)</sup>.

: ﴿ يَالُّنِهَا الَّذِينَ ءَامَنُوا أَوْفُوا بِالْعُقُودِ ﴾(3).

: ﴿ يَالُّهُمَا الَّذِينَ َّامَنُوا لَا تَأْكُلُوا الرِّبَا

أَضْعَافًا مُضَاعَفَةً ﴾(5).

: ﴿ يَا أَيُهَا الَّذِينَ ٤َامَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رِجْسٌ مِنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ

ُّنْفلحُونَ﴾

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.121 69 : .27/2 : (4)

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.(1) .(2) ( : ﴿ أَوْفُوا الْكَيْلَ وَلَا تَكُونُوا مِنَ الْمُخْسِرِينَ (181)وَزِنُوا بِالْقِسْطَاسِ الْمُسْتَقِيمِ (182)وَلَا تَبْخَسُوا النَّاسَ أَشْيَاءَهُمْ وَلَا تَعْثَوُا فِي الْأَرْضِ مُفْسدينَ (183) ﴿(3) اللَّهُ اللَّا اللَّا اللَّا الللَّلْمُ اللَّالِي الللَّا اللللَّا الللَّهُ الللَّهُ اللَّهُ اللَّهُ اللّل : ﴿ وَيَا قَوْمٍ أَوْفُوا الْمِكْيَالَ وَالْمِيزَانَ بِالْقِسْطِ وَلَا تَبْخَسُوا **:** : / .61/3 1.183/5 4/7 (1) /. .173/5 *1*. 61/3 .4/7 : 1.183/5 (2) .173/5 .183 -181 : (3) 85 : (4)

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                              : / .270/1 :
       : / .337/3
                                 : / .31/2
                             .377/3
                                     .71 :
                                               (4)
                                          : (5)
   393
  : /. 476 ( ) ( ) ( ):
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                                 . :: ( 1407
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                             228 + 218-215 / 4
                                   .5 :
                                             (6)
                                  .270/1
                                              (7)
                               : /.271/1 :
.31/2 : / .337/3
                                               (8)
                                .377/3 : /
                                 . 71 : (9)
                                 .271/1 : (10)
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-1 .(1) -2 (2) :( ) -3 (3) ( ) (5) عَلِينَّهُ. " عَلِينَ .378/3 : / .34/2 (1) .34/2 (2) /.118 (3) .164 : / .30/2 : / .271/1 (4) .378/3

82

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(5)

: / .128/4

.293/3

."(1) (2) (4) (5) عَلَيْنِ. " عَلَيْنِيْ (6) (7)**"** . (8) (9)" عَلَيْنِ. " 338/14 : */* . : (1) .148/3 */* . : (2) ( (3) ) 109/2 : : /" : ( 1357 ) 48/4 : / .128/4 : / .26/4 .293/3 (4) (5) (6) .27-26/4 : ) 14/3 (7) : (1966 - 1386 .27/4 : (8)

83

.71 : (9)

(1) .(2) (3)**!!** .(4)

.433/3 : (3) - ) 1 839/2 : (4) .(1998/ 1418

.167/13

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I ﴿ يَالُّهَا الَّذِينَ عَامَنُوا إِذَا تَدَايَنْتُمْ بِدِّيْنِ إِلَى أَجِل مُسَمَّى فَأَكْتُبُوهُ ﴾ (4).

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.(5)

II ﴿ مِنْ بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْدَيْنٍ ﴾ (6)

.157/5 : (1)

. 840/2 : (2)

.77 : (3)

.282 : (4)

) 335/1 :774 (5)

.1980/ 1400

.11 : (6)

.(1) **}** : .(3) -1 -2 ) 283/4 (1)

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. 841/2 : (3)

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(1)
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                                      (5)
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                    : / .22/14 70/12 :
  : / .517/4
                                                (1)
                   : / .101/4 : / .191
 : 204
  : / .514/3
                  : /.(1983/ 1403 ) 2 31/4
                                .150/4 : / .51/4
                                                (2)
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(
            ) 194/2
              .858/3
                            /.
          .150/4 :
                                                (3)
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                   .181/4
                              : /. 84
    ) 1
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                                                (4)
                            : (1990 -
                                     1411
      255 254/5
                                     : 1255
                                    ( 1973
          .40/4
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                            .857/3
                                    .51/4 : (5)
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                                      .150/4
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.( 1984 ) 6 144/1 ) 512/20 (2)

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: (1973 ) 8/2 :751 .301/1 (3)

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(1) (2) (3) (4)**"** (5) (1) .434 / 4 : : / .148/5 : / .22/14 : / .262/9 : / .101/4 .191 (2) .514/3 : / .358/3 : / .198/4 : / .275/2 .511.512/29 (3) 1. : / .146/1 . 18/8 : / .139/2 : (4) ( ) 250/3 ) 282 281/7 :303 / . 1. ) 315/3 : (1994/ 1414

: / .148/5 : / .141/15 : (5) .198/4 : / ..514/3 : / .262/9 : / 102 101/4 .511.512/29 : / .359/3 : /

(1) (2)**"** ": (3)**"** .(4)**"** (5) : **}** : مالالله عليات . (6) (7) 36 1. (1) : : (2) .51/4 .255/5 (3) .512 511/29 (4) .503/8 (5) (6) .58

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(7)

(1)**"** 

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.(2)**"** 

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.504/8 (1)

:: (2) (1387 ) 12/16

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: / .148/5 : / .141/15 22/14 : .514/3 : / .262/9 : / .101/4 : / .191

: / .51/4 : / .359/3 : / : 472/29

.6/9 : / .9/2

.91-90 : : (2) 92

(1) (2)

(3) (4)

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.514/3

/ .262/9 : / .148/5 : / .141/15 : (2) : / .51/4 : / .359/3 : / .514/3 .199/4

.6/9 : / .514/3 : / .262/9 : (3)

.101/4 : /.63 62/3 : (4)

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(1)**"** .(2)" .(3)" (4)**!!** (5) .(6) (1) 290 .397/3 (2) .160/4 (3) .610-609/2 (4) ) 2 373 472/1 (5) :461 : (1404 – : / .369/4 : / .317/9 : / .104/4 (6) .59 4 : / .160/4 : / .53/2

: ﴿ يَاأَيُهَا الَّذِينَ ءَامَنُوا لَا تَأْكُلُوا أَمُوَالَكُمُ بَيْنَا

. (2)**"** . (3)**"** 

(4)

.29 (1)

) 2 150/5 (2) :671

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.251/5 (4) 98

·<sup>(1)</sup> :

.(2)

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.357/4 : / .59 4 : / .160/4 : (1)

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.251/5 : /.

: .160/4 : / .373/8 : / .34/6 : (3)

.251/5 : (4)

.(1)**"** ·(3)" . (4)**"** .<sup>(5)</sup>" (6) .311 (1) .209/5 (2) .195/3 (3) : / .3/4 (4) .26/3 : / .185/4 / .177/4 (5) : .84/5 (6) 384 ) ( ): ( :748 / . 456 ) 1 227/3 .( 1998/ 1419 .105/9 :

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                   .(6)
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                                              .282 :
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           .220/8
                                    .378 377/3
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         ) 1 384 380 379/1
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                                                               (5)
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      .( 1986 – 1407
                                            .343/5 :
                                                              (7)
           .106/9
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-1 (1) -2 .(2) (3) -3 .(4) -1 -2 (5) / .195/3 : / .73/3 : / .127/12 : (1) : / .193/4 : / .137/2 : / .178/1 : .349/3 : /.84/5

.349/3

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: -1 (1) ): -2 (3) .(4) 

/ .258/5 : / .10 2/14 (1)

: ..166 46/4 :

/ .31-30/2 : / .379/3

: / .148/4 .309/3

.57 :

: (2)

.79- 78

.128/4 : / .377/9 : / .113/12 : (3)

: / .377/9 : / .74/4 : / .113/12 : (4)

.128/4 : / 31/2

.(1)

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1 - 1 : ﴿ وَأَحَلُ اللَّهُ الْبَيْعَ ﴾ (<sup>5)</sup>.

.(6)

. <sup>(7)</sup>"

. (9)

.56 : (1)

.(122) 69 : (2)

.222/5 : (3)

.(122) 69 : (4)

.275 : (5)

729/2 : (6)

.261/6 : (7)

.474/1 : (8)

.331/4 : (9)

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266/1 : (1)

.224/3 : (2)

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: / .43/2 : / .93/4 : / .8/13 : (4)

.202/4

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(3)<sup>II</sup>

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) 533/3 :279 (1)

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209 : (2)

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.213/7 : /. 279 .533/3 : (3)

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/ .115/6 : / .40 39/2 : .74/2 : / .( ) 314/10 .194/4 : / .74/2

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.305/1 : / .207/2 : ."

37/3 : / : /. : (2)

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.74/2 : .236 238/5 : (3)

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. 240 – 235/4 : / (1995

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.500/3 : / .296/1 : (1)

: / .89/4 : (2) .(1389 ) 2 113

.380/3 : (3)

.533/4 : (4)

.(1) .(2) .(3) .(4)

: / .242/5 : .533/4 (1) / .445/8 : (2)

: (1980/ 1400 ) 2 309/1 .340 / 4 : /.

: /.313/9 : /.33/3 : : / .52/3

.156-155/2

.367/3 : (4)

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.(1)

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. 1409

: / .534/4 : / .242/5 : (1)

/ .445/8 .40/3 : : 1004 .441/6 : / .( 1358

) 399/3 .258/5

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.155 : (3) : ...

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.(1)<sup>II</sup>

.160 157:159 : (1)

: .(1) .(2)" .(3)" ·(4)" . <sup>(5)</sup>" 341 184/8 : (1) : 489/1 ) 3 42/2 : (2) .( 1975/ 1395 .228/2 (3) .382/2 (4) .164/4 (5)

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787/2 : (2)

469/1 : /. : : : (3)

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<u>.</u> (4)

·(5)" ":**\***\* -I

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: /.312-311/5 : /.856/2 : (1)

: / .169-168/4 : / .384/2 : / .337-336/4

.178/5

.112 : (2)

.377/1 : (3)

.143/8 : / .49/3 : / .92-91/14 : (4)

.112 : (5)

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.(3)

.5/5 : (1)

. 149/2 : (2)

: / .110 -109/4 : / .46/2 : (3)

: / .214/5 : / .232/2

: /.(2001/ 1422 ) 1 294/5

.194/4 : / .201/5 : / .388/2

.(2)

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: / .392/2 : / .496/3 : / .150/8 : (1)

.356/4 : / .48/2 : (2)

: /. : : (3)

.236

.197 - 196/4

: / .356/4 : / .153/8 : / .103/14 : (4)

.95/9

.(2) (1)

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216/5 / .48/2 .110/4 (2)

/ .217 – / .357/4 .196/4

/ .217/5 / .110/4 (3) .357 - 356/4

.196/4

.299/5 : / .107/14 (4) : / .82/7

.167/4

.( ) - 153 - 152/8 / .108 – 107/14 (5)

> .109/4 /

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.244/5 : (1) : / .224/5 : / .299/5 : / .344– 342/4 : (2)

.196/4

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.(7)**"** 

(1) .432/1 .299 (2)

.365/4 (3)

(4) :

.170/10

.51/2 (5) : 215/3

(6)

-I -II -III (1)**"** -1 -2 (3) (4) (2) 215/3 : (1)

.161/4 : 93/4 : (2)

/ 730/2 :
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: / 411/3 : (3) :

.25/3 (4) . (1)

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. (6) (5) (4)

-1 : ﴿ يَالُّهَا الَّذِينَ ءَامَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِنَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضِ مِنْكُمْ ﴾(7).

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. (9)

.47/4 : / 151/4 : (1)

: / 169 : / 730/2 : (2)

.380/4

: /. 411/3 : /. 51/2 : /. 292/1 : (3)

.225/2

.215/3 : / 47/4 : / 151/4 : (4)

.40/9 : (5)

.335/5 : (6)

.29 : (7)

.335/5 : (8)

: 605/3 / : 272/3 (9)

: -I (1) مالله علية علية المُنْ اللَّهُ -3 • منطقين منطقينه .(2) -4 .(3) -5 .(4)" .229/9 (1)

) 5 41/2 : (3) : (1988 - 1408 .142/4 : (4)

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(2)

(1) (2) (3) -1 .(4) . (5)**" 》:**紫 -2 .(6) . (7)**"** -3 . . . : / 230/8 : / .129/5 (1) .399/6 / 380/4 (2) : ) 452/4 .( / 97/28 (3) . ( 383 892/2 : (4) .97/28 (5) 757/2 (6) .103/28 (7)

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. 78 – 77/28 : (1)

338/2 : 184/2 (2)

.480/1

(3) .76/28 127

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(3)<sup>II</sup> (2) (1)

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.257/6 : : (1)

334/7 : (2)

. 384 - 383 : (3)

.380/4 : (4)

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. <sup>(5)</sup>"

.161/4 : (1)

.230/8 : (2)

.354 : / 75/28 : (3)

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.( 1991/ 1411 ) 214/3 : (5)

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. (1)<sup>II</sup>

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.76 – 75/28 : (1)

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.78/28 : (1) .400/6 : / 663 : (2)

.367 : / .87/28 : (3)

.663 : (4)

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.663 : (6)

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.373 : / .93/28 : (1)

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.9/9 : (1)

.596/4 : (2)

.9/9 : (3)

.88 : (4)

.88 : (5)

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.(1) .(2)" ·(3)" ·(4)**!!** .(5)

: .410/1 : /.198/3 : (1)

.280-279

.76/15 : (2)

.175 : (3)

.413/3 : (4)

.211/3 : (5)

(1) (2)

(5) (4) (3)

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(7) (8)

.211 - 210/3 / .54/3 / .76/15 (1)

: / .237/4 258/4 (2)

/ 380/|4 .413/3 / 291/1 / (3)

.211/3 : .25/2 (4)

.448/8 (5)

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•) (2) (3) .(5)(14) .(6) -3 (1) .37/5 : /. : : (2) ) 1 390/2 .( 1356 390/2: / (3) 390/2: (4) 522/3 : / . 121-120 (5) : /. 740/2 : /. 259/7 : /. .22/4 448/8 : (6)

**"** : (1)

137

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(2) (1) (3) (4) **)** : -1 .(5) . (6)" -2 (8) (7) (1) : /. 115 114 .( 1984/ 1404 ) 1 182 – 179/7 21 (2) : /. 103 .40-38/10 102 161 (3) ( ): 238 .292/1 .271 - 270/5/ 415/4 (4) : .11/3 (5) 415/4 (6) (7) 46 96 .80/1 : /." / 416/4 : .271/5 (8) :

138

(1) 900 ": -1 .(2) **)** : .(4) (3) -2 : : (1 (2 (3 (5)**"** (6) 1. (1) : .491/4 (2) 753/2 (3) .215-214/4 1. ": 415/4 (4) .271/5 (5) 415/4

.271/5

(6)

(4 .(1) (5 : : - 1 -2 -3 -1 .(2) ( .(3) ) -2 .271/5 (1) : 167/3 228/4 (2) 3/3 .29/2 (3) :

140

:(1) -I ·(2) -II .(3) .(4) / .7 – 6/2 .168/3 / .237/4 (1) .248/6 (2)

141

.406/5

(3)

(4)

.41 :

- 1 -2 -3 (1) (2) : (3) . (4) .(5) **;** .(6) .44/4 : .291/1 : /.102/5 (1) .102/ 5 (2) : / .237 / 4 : .102/5 (3) : / 44/4 : / .414/3 : / .291/1 .211/3 (4) .1032/2 .1029/2

> .51 – 50/2 : (7) 142

: (5)

(6)

.291/1 : /.102/5

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. <sup>(5)</sup>"

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(1) .50/2 : /.414/3 : /.109/4 : (1)

.51 - 50/2 :

.50/2 : / .414/3 : / .109/4 : (1)

.245/3 : /

.101/5 : / .233/5 : (2)

.100/7 : (3)

. 9/9: (4)

.431 : (5)

- 1 -2 -3 (2) (4) (3) -4 ·(5) -5 6 – 1 (1) 1415/ .217-216/2 (2) 1 28 .( 2004 - 1424 (3) .205/2 (4) .14/3 129 (5) .(124) 69

(1)

144

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.9/9 (1) 6 - 1 (2)

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﴿ سُبْحَانَ رَبِّكَ رَبِّ الْعِزَّةِ عَمَّا يَصِفُونَ ﴿ وَسَلَامٌ عَلَى الْمُرْسَلِينَ ﴿ وَالْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ ﴾ (١).

.182 181 180 : (1)

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64	245	1
100 70 56	275	2
97 81	282	3
8	130	4
12	187	5
81	11	6
121 94 8	29	7
8	1	8

9	90		9
72	85		10
72	183-181	�	11
147	183-180	⊕	12
63	18		12
72	3-1		13

100		-1
134	عالية الأنتاب	-2
137	<i>299</i>	-3
65	<u>#</u>	-4
73	WILE STATES	-5
113-112	7,0	-6
75		-7
100 69 59 57 56		-8
69		-9
95		-10
137		-11
79 76 71		-12
97		-13
113 112		-14
47		-15
85		-16
56		-17
71		-18
77		-19
123		-20
78		-21
141		-22
82		-23
123		-24
97		-25
102		-26
136		-27
83		-28
94		-29

71	-30
141	-31
122	-32
18	-33

105		
137	96	1
4	241	2
136	238	3
57	193	4
39	1051	5
102	279	6
84	728	7
112	73	8
44	741	9
96	456	10
4	150	11
38	1230	12
65	-	13
27	1999	14
60	158	15
58	74	16
4	204	17
38	977	18
137	82	19
76	476	20
70	1182	21
10	1252	22
56	34	23
97	68	24
83	84	25
136	114	26
46	587	27
4	176	28
136	102	29

43	970	30
46	676	31
65	182	32

-1 : 370 .( 1405 : ) : 310 .( 1405 ( : 543 : 671 : ( 1372 ) 2 : 774 .(1980/ 1400 -2 606 ) : 241 .( : 256 (1987 - 1407 : ) 3

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# **An-Najah National University Faculty of Graduate Studies**

The Rules of Price in Islamic Fiqh "Comparatve Study"

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Submitted in Partial Fulfillment of the Requirements for the Degree of Master of Islamic Law (Shari`a) in Fiqh wa Ttashree, Faculty of Graduate Studies, at An-Najah National University, Nablus, Palestine.
2006

The Rules of Price in Islamic Fiqh
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## Supervisor Dr. Abdulmune'm Jaber Abu Qahouq

### Abstract

Thank God alot. Blessed be master of All creatures; our prophet Mohammed Ben Abdullah; may God bless him and his innocent companions, and all those who followed his glory.

This thesis is introduced by the student Hasan M. H. Shehadeh, under the supervision of Dr. Abdulmun'em Jaber Abu Qahouq, participant teacher at Shari'te College- Annajah National University-Nablus, as a requirement to obtain the M.A. degree on Islamic Shari'te, Legislation Department 2005 falling on 1426.

The thesis aims to clarify the "Price Regulations" concept, and showing its rules in several daily dealings, away from profits' system, or falling into the shari'te prohibited domain. Then we will try to show the ability of the Islamic legislation to adapt all the renovations in accordance with the shari'te rules and origins, besides to making it easy for people and preventing them from embarrassment.

My thesis came into a preface and four main chapters. In the preface I dealt with the "Price Role" at current financial deals, and elaborated how Islam bridged between deals and Belief, and how it created many main principles; as satisfaction between the contractors, fulfilling the contracts, preventing people to wickedly robbing people of their belongings through profit.

In the first chapter (the Price Concept) I dealt with the Price meaning, its relation with several Shari'te idioms that explain its meaning, and what is

suitable as a price, and the relation between the sale and the price showing their accepted and disagreed terms between scientists of shar'ite.

In the second chapter (Price Sale) I dealt with contracts and deals related to the Price Sale, exchange and debt contracts, profitable kinds sale and their rules and their profit problem, and the types of debt sale and its shari'te position.

In the third chapter (Effect of the Price on Contract) where I dealt with types of receiving the price or part of it after the contract. Then I dealt with the Advanced Sale and Payments Sale, explaining the effect of destroying the fixed and un fixed price, then the fall of price and its value changes, as currency on the contract and the relation between the price and priority and the regulation related to it.

In the fourth chapter (Defining the Price) I explained the concept of fixing the price, and came in favour of the owner's or who replaces him to fix a price in case of very high prices of every vital material that people urgently need or harmed by its rarity. Then I elaborated the possibility of exhibiting for high prices and the legislative adjustment for the sale common in the recent times.

Finally, at the conclusion I showed the most significant conclusions I achieved through this study.